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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/583,695	05/31/2000	Michael E. Tasker	2705-111	5271
20575	7590	12/08/2005	EXAMINER	
MARGER JOHNSON & MCCOLLOM, P.C. 210 SW MORRISON STREET, SUITE 400 PORTLAND, OR 97204			HOM, SHICK C	
			ART UNIT	PAPER NUMBER
			2666	

DATE MAILED: 12/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/583,695

Applicant(s)

TASKER, MICHAEL E.

Examiner

Shick C. Horn

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Response to Arguments***

1. Applicant's arguments filed 9/14/05 have been fully considered but they are not persuasive.

In pages 6-7 of the Remarks of 9/14/05, applicant argued that Holmquist does not teach routing a telephone call via other than the PBX while the off-hook indicator is active and the user is connected to the PBX is not persuasive because the abstract recites voice calls being switched through the modem requiring no modification to the PBX and Fig. 1 which shows that calls can be routed via the LAN using the SVD modem pool other than through the PBX 200 while the off-hook indicator is active; and col. 9 line 60 to col. 10 line 6 which recite any switching equipment can be used instead of the PBX clearly reads on routing a telephone call via other than the PBX.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-7 and 9-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Holmquist et al. (5,602,846).

Regarding claims 1, 10, 14, 18:

Holmquist et al. disclose a method for maintaining a virtual presence of a first remote telephone user in a PBX system having a frame relay network connection between two endpoint routers while permitting the first remote user to make local calls, the method comprising: generating an off hook indicator and transmitting the indicator to the PBX; routing a telephone call placed at a remote telephone in accordance with a defined protocol other than via the PBX while the off-hook indicator is active and the user is still connected to the PBX (see col. 7 line 10 to col. 8 line 22 which recite the off-hook signal being provided by the PSTN port to the PBX and thereafter the simultaneous voice and data SVD modem via the PSTN port is used to connect the calling party to the called party whereby the data is provided in a frame and col. 1 lines 37-63 which recite corporate voice call being directly switched through the PBX and outside call being switched through the PSTN clearly reads on transmitting off-hook indicator to the PBX and routing

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telephone call other than via the PBX while the off-hook indicator is active and still connected to the PBX); detecting when the routed telephone call is terminated; and removing the off-hook indicator from the PBX upon detection of termination (see col. 4 lines 39-62 which recite user terminating the call by hanging up the telephone and the SVD modem disconnects the PSTN ports and hangs-up). Further, Holmquist et al. disclose said transmitting and signaling mechanisms including software instructions resident on a computer-readable medium that when executed by a processor modify one or more interface status bits in the PBX (see col. 5 lines 39-44 and col. 6 lines 45-49 which recite the use of software on the personal computer for informing the status of the LAN connection).

Regarding claims 2-3, 7, 13, 17, 19:

Holmquist et al. disclose wherein transmitting and removing are performed by in-band signaling and wherein said in-band signaling is in accordance with a Voice over Frame Relay or Voice over ATM, ATM Adaptation Layer 2 voice over packet protocol; and wherein said transmitting and signaling mechanisms are operatively coupled to a PBX station interface associated with the PBX (see col. 5 line 45 to col. 6 line 44 which recite the use of in-band signaling at the SVD modem which is couple to the PBX and col. 7 lines 11-50 which recite voice information

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being provide in a frame clearly reads on voice over frame relay).

Regarding claims 4-6, 12, 16, 20-21:

Holmquist et al. disclose wherein said telephone call-routing is to a public switched telephone network (PSTN) local to the remote telephone; wherein said telephone call-routing is to another remote telephone user at the same site within the PBX system as the first remote telephone user; wherein said call-routing to another remote same-site telephone user is performed by a router having the public switched telephone network (PSTN) local to the remote telephone and wherein said PSTN is used in said call-routing (see Fig. 1 and col. 1 lines 37-63 which recite outside call being routed through the PSTN while corporate or local call is though the LAN and PBX).

Regarding claim 9:

Holmquist et al. disclose indicating in response to an incoming call directed to the remote telephone that the telephone is busy generally from when said off-hook indicator is transmitted to when said off-hook indicator is removed (see col. 4 lines 39-62 which recite user 1 hanging up upon detecting that user 2 is busy and does not answer).

Regarding claims 11, 15:

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Holmquist et al. disclose wherein said routing mechanism is responsive to a predefined dialing sequence received from the PBX-connected telephone (see col. 5 line 45 to col. 6 line 44 which recite using a predefined sequence for querying the PBX for the telephone number of PSTN port).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Holmquist et al. (5,602,846) in view of Brilla et al. (6,389,276).

Regarding claim 8:

For claim 8, Holmquist et al. disclose the apparatus and method described in paragraph 3 of this office action. Holmquist et al. disclose all the subject matter of the claimed invention with the exception of forwarding an incoming call

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directed to the remote telephone to a voice mailbox generally from a time when said transmitting occurs to a time when said removing occurs.

Brilla et al. from the same or similar fields of endeavor teach that it is known to provide the step of forwarding an incoming call directed to the remote telephone to a voice mailbox generally from a time when said transmitting occurs to a time when said removing occurs (see col. 7 lines 8-22 which recite the PBX forwarding the incoming call to the voicemail system upon detecting a busy or no answer condition). Thus, it would have been obvious to the person having ordinary skill in the art at the time the invention was made to provide the step of forwarding an incoming call directed to the remote telephone to a voice mailbox generally from a time when said transmitting occurs to a time when said removing occurs as taught by Brilla et al. in the communications apparatus and method network of Holmquist et al. The step of forwarding an incoming call directed to the remote telephone to a voice mailbox generally from a time when said transmitting occurs to a time when said removing can be implemented by connecting the voicemail system of Brilla et al. to the PBX of Holmquist et al. The motivation for providing voicemail system as taught by Brilla et al. in the communication apparatus and method of Holmquist et al. being



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that it provides the desirable added feature of storing the incoming voice mail when the user is busy on another line or off-hook at the receiving end.

**Conclusion**

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shick C. Hom whose telephone number is 571-272-3173. The examiner can


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normally be reached on Monday to Friday with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on 571-272-3174. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SH



D. Doughton  
DANGTON  
PRIMARY EXAMINER